

Regular Session, 2012

SENATE BILL NO. 597

BY SENATOR APPEL AND REPRESENTATIVES CARTER AND KLECKLEY

STUDENTS. Expands the Student Scholarships for Educational Excellence Program. (gov sig)

## AN ACT

To R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2), 3983(A)(3)(a), (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory paragraph) and (c), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011 through 4025, to enact R.S. 17:10.5(F), 3973(2)(b)(vi), (7), and (8), 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3) and (4), 3983(A)(2)(d) and (3)(d) and (G), 3992(D), and Part VII of Chapter 42 of Title 17 of the Revised Statutes of 1950, to be comprised of R.S. 17:4002 through 4007, and to repeal R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4), relative to school choice; to provide relative to the Student Scholarships for Educational Excellence Program; to provide relative to program eligibility and participation requirements for students and schools; to provide relative to selection and enrollment of eligible students; to provide relative to funding and payments to eligible schools including eligible nonpublic schools; to provide for reports; to provide for the submission of petitions by parents requesting that a school be transferred to the Recovery School District under certain conditions; to require rules and regulations to be adopted by the State Board of Elementary and Secondary

1 Education for the petition process; to change charter proposal submission time lines;  
2 to provide a mechanism for Type 1 and Type 3 charter schools to convert to a Type  
3 2 charter school under certain conditions; to authorize the state board to allow the  
4 state superintendent of education and the superintendent of the Recovery School  
5 District to amend the charter of Type 5 charter schools to accommodate a unified  
6 enrollment system; to modify the initial charter period; to provide for charter school  
7 admission requirements; to allow foreign language immersion schools to establish  
8 special admission standards; to provide for the qualifications of teachers; to provide  
9 relative to the evaluation of charter school teachers and other school employees; to  
10 provide relative to teacher certification requirements; to remove the requirement that  
11 charter schools comply with laws relative to the length of the school year; to provide  
12 for the Course Choice Program; to provide for program definitions and funding; to  
13 provide for the powers of the State Board of Elementary and Secondary Education  
14 and local public school systems relative to course providers; to provide relative to  
15 entities that authorize charter schools; to provide for certification of certain state  
16 agencies and nonprofit corporations as charter authorizers; to provide relative to the  
17 responsibilities of the State Board of Elementary and Secondary Education with  
18 respect to certification of such authorizers; to provide relative to requirements,  
19 powers, responsibilities, and limitations of such authorizers; to provide relative to  
20 schools whose charter is authorized by such entities, including matters related to  
21 funding for such schools; to provide for procedures, processes, fees, and regulations;  
22 and to provide for related matters.

23 Be it enacted by the Legislature of Louisiana:

24 Section 1. R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2),  
25 3983(A)(3)(a), (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and  
26 (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory paragraph) and (c), 3996(C)  
27 and (G), 3998, 4001(A) and (C)(1) and (2), and 4011 through 4025 are hereby amended and  
28 reenacted and R.S. 17:10.5(F), 3973(2)(b)(vi), (7), and (8), 3981(7) and (8), 3981.1, 3981.2,  
29 3982(A)(3) and (4), 3983(A)(2)(d) and (3)(d) and (G), 3992(D), and Part VII of Chapter 42

of Title 17 of the Revised Statutes of 1950, to be comprised of R.S. 17:4002 through 4007  
are enacted to read as follows:

§10.5. School and district accountability; failing schools; transfer to Recovery  
School District; **parent petitions**

\* \* \*

**F.(1) Notwithstanding the provisions of Paragraph (A)(1) of this Section,**  
**a public school or public charter school shall be removed from the jurisdiction**  
**of the city, parish, or other local public school board or other public entity and**  
**transferred to the jurisdiction of the Recovery School District if such transfer**  
**is approved by the State Board of Elementary and Secondary Education and**  
**both of the following conditions are met:**

**(a) Parents or legal guardians representing at least fifty-one percent of**  
**the students attending the school sign a petition requesting that the school be**  
**transferred to the Recovery School District.**

**(b) The school has received a letter grade of "F" or any variation**  
**thereof, pursuant to the Louisiana School and District Accountability System**  
**for three consecutive years.**

**(2) The State Board of Elementary and Secondary Education shall**  
**develop and adopt rules and regulations for implementation of this Subsection**  
**which shall include but not be limited to:**

**(a) The format and procedures for submitting a petition pursuant to this**  
**Subsection to the state superintendent of education to be brought by him before**  
**the State Board of Elementary and Secondary Education for review pursuant**  
**to the process established for the consideration of schools eligible for transfer**  
**to the Recovery School District as provided in this Section.**

**(b) A requirement that each student may be signed for by his parents or**  
**legal guardians only one time on any given petition such that each student**  
**equals one signature.**

**(c) Signature validation procedures that include the following**

**requirements:**

**(i) That upon submission of a petition, the state Department of Education shall determine if the number of signatures represents at least fifty-one percent of the students attending the school.**

**(ii) That the signatures be assumed valid unless challenged or there is reasonable doubt of their validity. If validity is challenged or doubted, the department shall, within forty-five calendar days, review and verify the signatures. If the department finds that the number of valid signatures is fewer than the fifty-one percent required, parents or legal guardians shall have thirty calendar days, commencing with a date specified by the department, to resolve such discrepancies and collect the signatures of additional parents or legal guardians. Signatures shall not be discounted over technicalities if the clear intent of the parent or legal guardian was to support the petition.**

**(d) Transfer procedures for students who choose not to remain enrolled at the school as a result of the state board's decision to transfer the school to the jurisdiction of the Recovery School District.**

**(3) The state Department of Education shall maintain records regarding the contents and outcomes of the petitions.**

**(4) Parents or legal guardians shall be free from harassment, threats, and intimidation related to circulation of or signing a petition.**

**(5) School and district resources shall not be used to support or oppose any effort by petitioning parents or legal guardians to gather signatures and submit a petition.**

\* \* \*

§158. School buses for transportation of students; employment of bus operators; alternative means of transportation; improvement of school bus turnarounds

A.(1) Except as provided by Subsection H of this Section and in accordance with the requirements of Subsection F of this Section, each city, parish, and other local public school board shall provide free transportation for any student attending

a school of suitable grade approved by the State Board of Elementary and Secondary Education within the jurisdictional boundaries of the local board if the student resides more than one mile from such school. **This requirement shall not apply to any student attending a nonpublic school pursuant to R.S. 17:4011 through 4025.**

\* \* \*

#### §3973. Definitions

As used in this Chapter, the following words, terms, and phrases shall have the meaning ascribed to them in this Section except when the context clearly indicates a different meaning:

\* \* \*

(2)

\* \* \*

(b) Charter schools shall be one of the following types:

\* \* \*

**(vi) Type 1B, which means a new school or a preexisting public school operated as the result of and pursuant to a charter between the nonprofit corporation created to operate the school and a local charter authorizer. Within such charter schools, pupils who reside within the state will be eligible to attend as provided in the charter.**

(3) "Chartering authority" means either a local school board, a local charter authorizer, or the State Board of Elementary and Secondary Education.

**(4) "Local charter authorizer" means an entity certified by the state board in accordance with this Chapter to enter into agreements with charter school operators.**

**(5)** "Local school board" means any city, parish, or other local public school board.

~~(5)~~ **(6)** "Public service organization" means any community-based group of fifty or more persons incorporated under the laws of this state that meets all of the

following requirements:

(a) Has a charitable, eleemosynary, or philanthropic purpose.

(b) Is qualified as a tax-exempt organization under Section 501(c) of the United States Internal Revenue Code and is organized for a public purpose.

~~(6)~~ (7) "State board" means the State Board of Elementary and Secondary Education.

(8) "Charter operator" or "chartering group" means a local school board or nonprofit corporation created to operate a charter school.

\* \* \*

§3981. State Board of Elementary and Secondary Education; powers and duties relative to charter schools

The State Board of Elementary and Secondary Education shall:

\* \* \*

(4) Review each proposed charter in a timely manner ~~and in the order in which submitted~~ and determine whether each proposed charter complies with the law and rules and whether the proposal is valid, complete, financially well-structured, educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with R.S. 17:252, whether it provides a plan for collecting data in accordance with R.S. 17:3911, and whether it offers potential for fulfilling the purposes of this Chapter. The board shall engage in an application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing, as promulgated by the National Association of Charter School Authorizers, and shall provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise.

\* \* \*

(7) Approve common charter applications developed by the state Department of Education for use by all chartering authorities in the state. Such applications shall provide for a charter operator to submit one charter proposal

1 for the purposes of operating one charter school or a charter operator to submit  
2 one charter proposal for the purposes of operating multiple charter schools.

3 (8) Actively recruit charter operators that offer a program of study or  
4 propose to offer a program of study that effectively addresses regional  
5 workforce needs, such as career and technical education, Industry Based  
6 Certifications, and vocational course work.

7 §3981.1. State board; powers and duties relative to local charter authorizers

8 A. The state board shall:

9 (1) Approve a process for certifying entities as local charter authorizers  
10 as more fully specified in this Section.

11 (2) Not certify any entity as a local charter authorizer under this Section  
12 unless it is in compliance with procedures and regulations established by the  
13 state board and the entity meets all of the following requirements:

14 (a) The entity is either a state agency or a nonprofit corporation having  
15 an educational mission, including but not limited to a nonprofit corporation of  
16 a philanthropic or policy nature, a Louisiana public postsecondary education  
17 institution, or a nonprofit corporation established by the governing authority  
18 of a parish or municipality.

19 (b) The entity does not operate any charter schools. An entity which  
20 operates charter schools may not be certified as a local charter authorizer.

21 (c) The entity has been incorporated for not less than three years.

22 (d) The entity has in its possession not less than five hundred thousand  
23 dollars in assets as reported to the Louisiana Department of Revenue.

24 (3) Review each proposed local charter authorizer in a timely manner  
25 and determine whether each proposed local charter authorizer complies with  
26 the law and rules and whether the proposal is valid, complete, financially  
27 well-structured, and educationally sound, whether it provides for a master plan  
28 of academic excellence relative to the schools it shall oversee, whether it  
29 provides a plan for developing the capacity to authorize not fewer than five

1 schools and ensures the state board that it intends to authorize not fewer than  
2 five schools, and whether it offers potential for fulfilling the purposes of this  
3 Chapter. The board shall engage in an application review process that complies  
4 with the latest Principles and Standards for Quality Charter School  
5 Authorizing, as promulgated by the National Association of Charter School  
6 Authorizers, and shall provide for an independent evaluation of the charter  
7 proposal by a third party with educational, organizational, legal, and financial  
8 expertise.

9 (4) Certify fewer than five local charter authorizers to operate in any  
10 Regional Labor Market Area, as defined by the Louisiana Workforce  
11 Commission, at any given time.

12 (5) Approve a process by which charter schools authorized by a local  
13 charter authorizer shall be transferred to the state board as Type 2 or Type 5  
14 charter schools should the local charter authorizer lose its certification by the  
15 state board or otherwise cease to exist.

16 (6) The state board shall monitor and evaluate the schools authorized  
17 by a local charter authorizer in accordance with the school and district  
18 accountability system.

19 B. The initial certification of a local charter authorizer shall be for a  
20 period of five years. After the third year of operation of any charter school  
21 authorized by the local chartering authorizer, the state board shall conduct a  
22 thorough review of the authorizer's activities and the performance of the  
23 charter schools authorized by the local charter authorizer, in accordance with  
24 the school and district accountability system. If the average performance of  
25 these charter schools is a letter grade of "C", "D", or "F" or any variation  
26 thereof, the authorizer shall be placed on probation and submit a plan for  
27 improving the performance of the schools under its authority to the state board.

28 C. If the average performance of the charter schools authorized by the  
29 local charter authorizer is a letter grade of "C" or any variation thereof, after



1 the initial certification period, the state board may recertify the local charter  
2 authorizer under the condition that the local charter authorizer may not  
3 authorize any additional schools until the average performance of the charter  
4 schools authorized by the local charter authorizer is a letter grade of "A" or  
5 "B" or any variation thereof. The local charter authorizer may maintain the  
6 charter schools it has previously approved.

7 D. If the average performance of the charter schools authorized by the  
8 local charter authorizer is a letter grade of "D" or "F" or any variation  
9 thereof, after the initial certification period, the state board shall not recertify  
10 the local charter authorizer and shall provide for the transfer the charter  
11 schools authorized by the local charter authorizer to the state board as Type 2  
12 or Type 5 charter schools.

13 E. After the initial certification period, the state board may grant  
14 renewal of certification for additional periods of not less than three years nor  
15 more than ten years after thorough review of the local chartering authority's  
16 activities and the performance of the charter schools authorized by the local  
17 charter authorizer. The state board shall continue to conduct a thorough review  
18 of the authorizer's activities and the performance of the charter schools  
19 authorized by the local charter authorizer, in accordance with the school and  
20 district accountability system, every three years. If at any three year review, the  
21 conditions specified in Subsections C and D of this Section are met, the  
22 outcomes specified in those Subsections shall apply.

23 F. Nothing shall prohibit the state board from rescinding a charter  
24 approval or agreement between a local charter authorizer and a charter  
25 operator should the state board find that in approving the applicant or entering  
26 the agreement the authorizer has failed to comply with laws and regulations,  
27 including but not limited to whether the local charter authorizer has engaged  
28 in a transparent application review process that complies with the latest  
29 Principles and Standards for Quality Charter School Authorizing, as

1 promulgated by the National Association of Charter School Authorizers, and  
2 has provided for an independent evaluation of the charter proposal by a third  
3 party with educational, organizational, legal, and financial expertise.

4 §3981.2. Local charter authorizers; powers and duties

5 A.(1)(a) A local charter authorizer shall comply with R.S. 17:3983 and  
6 shall review and formally act upon charter proposals received within time lines  
7 established by the State Board of Elementary and Secondary Education that are  
8 consistent with national best practices in charter school authorizing. Such time  
9 lines shall require, at a minimum, an annual charter process in which local  
10 charter authorizers are afforded at least ninety days to evaluate such  
11 applications. In conducting such review, the local charter authorizer shall  
12 determine whether the proposed charter complies with the law and rules,  
13 whether the proposal is valid, complete, financially well-structured, and  
14 educationally sound, whether it provides for a master plan for improving  
15 behavior and discipline in accordance with R.S. 17:252, whether it provides a  
16 plan for collecting data in accordance with R.S. 17:3911, and whether it offers  
17 potential for fulfilling the purposes of this Chapter. The local charter  
18 authorizer shall engage in a transparent application review process that  
19 complies with the latest Principles and Standards for Quality Charter School  
20 Authorizing, as promulgated by the National Association of Charter School  
21 Authorizers, and shall provide for an independent evaluation of the charter  
22 proposal by a third party with educational, organizational, legal, and financial  
23 expertise. Each local charter authorizer shall use a common charter application  
24 developed by the state Department of Education and approved by the state  
25 board, but may request additional information from applicants as needed.

26 (b) A local charter authorizer may accept charter proposals and notify  
27 charter applicants of its final decision pursuant to time lines approved by the  
28 state board. Notifications of charter proposals denied shall include written  
29 explanation of the reasons for such denial.

1                   (2) The local charter authorizer shall make public through its website,  
2                   and in printed form upon request, the following:

3                   (a) The guidelines for submitting a charter proposal in accordance with  
4                   Paragraph (1) of this Subsection.

5                   (b) All forms required for submission of a charter proposal.

6                   (c) The time lines established for accepting and reviewing charter  
7                   proposals.

8                   (d) The process that will be used to review charter proposals submitted  
9                   to the board.

10                  (e) The name and contact information for a primary point of contact for  
11                  charter proposals.

12                  (3) If any local charter authorizer fails to comply with Paragraphs (1)  
13                  and (2) of this Subsection, the charter applicant may submit its proposal to the  
14                  state board for its review and approval as a Type 2 charter. The state board  
15                  shall make a determination as to whether the local charter authorizer failed to  
16                  comply with Paragraphs (1) and (2) of this Subsection prior to reviewing the  
17                  charter proposal. If the state board finds that the local charter authorizer has  
18                  not adequately complied with Paragraphs (1) and (2) of this Subsection, it shall  
19                  notify the local charter authorizer and permit the charter applicant to submit  
20                  its proposal to the state board for its review or may rescind a charter approval  
21                  or agreement between a local charter authorizer and a chartering organization  
22                  pursuant to R.S. 17:3981.1(H). The state board shall review each proposal  
23                  according to the process set forth in R.S. 17:3981(4) and shall provide written  
24                  notification of its final decision to the charter applicant pursuant to time lines  
25                  established by the state board.

26                  B. If a local charter authorizer loses its certification from the state board  
27                  or otherwise ceases to exist, all of its public assets which it has acquired as a  
28                  local charter authorizer pursuant to this Chapter shall become the property of  
29                  the state board. Each charter school authorizer shall document all assets

1        **acquired from private funds.**

2                **C. If a preexisting public school or charter school converts to a Type 1B,**  
3                **students previously enrolled in the school shall maintain their seat at the**  
4        **school,        unless they choose otherwise.**

5        §3982. Local school boards; duties

6                A.(1)(a)(i) Local school boards shall comply with R.S. 17:3983 and shall  
7        review and formally act upon each ~~proposed~~ charter **proposal received within time**  
8        **lines established by the State Board of Elementary and Secondary Education**  
9        **that are consistent with national best practices in charter school authorizing**  
10       ~~within ninety days of its submission and in the order in which submitted.~~ **Such time**  
11       **lines shall require, at a minimum, an annual charter application process in**  
12       **which local school boards are afforded at least ninety days to evaluate such**  
13       **applications.** In ~~doing~~ **conducting** such review, the local school board shall  
14       determine whether each proposed charter complies with the law and rules, whether  
15       the proposal is valid, complete, financially well-structured, and educationally sound,  
16       whether it provides for a master plan for improving behavior and discipline in  
17       accordance with R.S. 17:252, whether it provides a plan for collecting data in  
18       accordance with R.S. 17:3911, and whether it offers potential for fulfilling the  
19       purposes of this Chapter. The local board shall engage in a transparent application  
20       review process that complies with the latest Principles and Standards for Quality  
21       Charter School Authorizing, as promulgated by the National Association of Charter  
22       School Authorizers, and shall provide for an independent evaluation of the charter  
23       proposal by a third party with educational, organizational, legal, and financial  
24       expertise. **Each local board shall use a common charter application developed**  
25       **by the state Department of Education and approved by the state board, but may**  
26       **request additional information from applicants as needed.**

27                (ii) A local school board may accept charter proposals ~~until February twenty-~~  
28       ~~eighth of each year and shall provide written notification of its final decision to the~~  
29       ~~chartering group~~ **and notify charter applicants of its final decision pursuant to**

1 **time lines approved by the state board.** Notifications of charter proposals denied  
2 shall include written explanation of the reasons for such denial.

3 \* \* \*

4 (2) The local school board shall make public through its website, and in  
5 printed form upon request, the guidelines for submitting a charter proposal, all forms  
6 required for submission of a charter proposal, the timelines established for accepting  
7 and reviewing charter proposals **in accordance with Item (1)(a)(ii) of this**  
8 **Subsection**, the process that will be used to review charter proposals submitted to  
9 the board, and the name and contact information for a primary point of contact for  
10 charter proposals. ~~If no final decision is received within ninety days after the~~  
11 ~~submission of the proposal, then the chartering group may submit its proposal to the~~  
12 ~~state board for its review.~~

13 **(3) If any local board fails to comply with Paragraphs (1) and (2) of this**  
14 **Subsection, the charter applicant may submit its proposal to the state board for**  
15 **its review and approval as a Type 2 charter. The state board shall make a**  
16 **determination as to whether the local board failed to comply with Paragraphs**  
17 **(1) and (2) of this Subsection prior to reviewing the charter proposal. If the state**  
18 **board finds that the local board has not adequately complied with Paragraphs**  
19 **(1) and (2) of this Subsection, it shall notify the local board and permit the**  
20 **charter applicant to submit its proposal to the state board for its review. The**  
21 **state board shall review each proposal according to the process set forth in R.S.**  
22 **17:3981(4) and shall provide written notification of its final decision to the**  
23 **charter applicant pursuant to time lines established by the state board.**

24 **(4) A local school board shall agree to rent any building at no more than**  
25 **fair market value in which a school that has applied to a local charter**  
26 **authorizer, subject to the school entering into an agreement with that**  
27 **authorizer, for the Type 1B school to remain in the building in which it was**  
28 **previously housed for the length of the charter agreement.**

29 \* \* \*

§3983. Chartering process by type; eligibility; limitations; faculty approval;  
parental approval

A.

\* \* \*

(2)

\* \* \*

(d) Each proposal for a Type 1B charter school shall be made to a certified local charter authorizer. If, after review as required by R.S. 17:3982.1, the local charter authorizer denies the proposal, or if conditions placed on the proposal by the local charter authorizer, as provided in Paragraph (B)(2) of this Section, are not acceptable to those proposing the charter, then a proposal for a Type 2 charter school may be made to the state board.

\* \* \*

~~(3)(a) The State Board of Elementary and Secondary Education shall accept applications for charters only from April first through October thirty-first of each year. The board~~ state board shall review and take action on every **Type 2 and Type 4 charter** application it receives. ~~The board shall not approve any charter application before May first of each year as provided in Paragraph (A)(4) of this Section.~~

\* \* \*

(d)(i) Not later than January 1, 2013, the state board shall create a process for authorizing multiple charter schools for qualified charter operators that have a demonstrated record of success. The process shall include the evaluation of performance of charter operators that do not operate any schools in Louisiana based on the performance of schools operated in other states.

(ii) Charter operators that meet the criteria established pursuant to Item (i) of this Subsection shall be eligible to enter into a performance-based replication contract with the state board.

(iii) For the purposes of this Chapter, a performance-based replication

contract shall mean a contract that provides for the operation of more than one charter school in the same charter agreement such that certain student achievement based performance targets shall be met for each school that is opened prior to opening any subsequent schools authorized under that contract, as determined by state board.

\* \* \*

(4)(a) A local school board and a local charter authorizer may enter into any charter it finds valid, complete, financially well-structured, and educationally sound after meeting the requirements of this Chapter. Each such charter entered into shall be reported by the local school board or local charter authorizer to the ~~State Board of Elementary and Secondary Education~~ state board not less than two business days following the event.

(b) The ~~State Board of Elementary and Secondary Education~~ state board may approve applications for charters as it has determined acceptable pursuant to R.S. 17:3981(2). ~~Applications may be approved only from May first through January thirty-first of each year.~~

\* \* \*

(d) Prior to the consideration of a charter school proposal by any local school board, a local charter authorizer, or the state board, each charter applicant shall be afforded the opportunity to ~~revise and resubmit the proposal based on the~~ provide a written response to the independent evaluation conducted in accordance with R.S. 17:3981(4) and R.S. 17:3982(A)(1)(a)(i) or R.S. 17:3982.1(A)(1)(a), as applicable. Such response shall be available to the independent reviewers for consideration prior to issuing a final recommendation to the local school board, local charter authorizer, or state board. However, if a proposal is not approved by the local school board or local charter authorizer and then also not approved by the state board within the same approval cycle, then the proposal shall be submitted to the local school board or a local charter authorizer for its consideration during the next approval cycle prior to being submitted to the state board.

\* \* \*

B.

\* \* \*

(2) Additionally, each approved charter may be approved subject to whatever other resolatory or suspensive conditions the chartering authority requires provided those entering into the charter agree with the conditions. **If the local board or local charter authorizer seeks to amend the charter agreement in a manner that is unacceptable to the charter school or if the charter school finds requested terms for charter renewal to be unacceptable, the charter school may petition the state board to convert to a Type 2 charter school. Upon receipt of such request, the state board shall notify the local board or local charter authorizer of the request and shall permit the local board to provide a response prior to any action on such request.**

\* \* \*

D.(1) Prior to approving a charter for a Type 1 or Type 3 school, the local school board considering the proposal shall hold a public meeting for the purpose of considering the proposal and receiving public input. Such meeting shall be held after reasonable efforts have been made by the board to notify the public of the meeting and its content.

**(2) Prior to approving a charter for a Type 1B school, the local charter authorizer considering the proposal shall hold a public meeting for the purpose of receiving public input. Such meeting shall be held in the general area to be served by the school after reasonable efforts have been made to notify the public of the meeting and its content.**

**(3) Approval by a local charter authorizer shall be in accordance with the conditions of its certification as established by the state board.**

\* \* \*

**G. If the local school system in which a charter operator intends to apply to operate a school has received a letter grade designation of "D" or "F" or any**



**variation thereof, then a proposal for a Type 2 charter school may be made to the state board.**

\* \* \*

§3991. Charter schools; requirements; limitations; renewal; amendment; revocation

\* \* \*

B. Each proposed charter shall contain or make provision for the following:

\* \* \*

(3) Admission requirements, if any, that are consistent with the school's role, scope, and mission may be established **pursuant to rules promulgated by the state board.** Such admission requirements shall be specific and shall include a system for admission decisions which precludes exclusion of pupils based on race, religion, gender, ethnicity, national origin, intelligence level as ascertained by an intelligence quotient examination, or identification as a ~~child~~ **student** with an exceptionality as defined in ~~R.S. 17:1943(4)~~ **R.S. 17:1942(B)**. Such admission requirements may include, however, specific requirements related to a school's mission such as auditions for schools with a performing arts mission or ~~achievement of a certain academic record for schools with a college preparatory~~ **proficiency in a foreign language for schools with a language immersion** mission. No local board shall assign any pupil to attend a charter school.

\* \* \*

(13) Manner in which teachers and other school employees will be evaluated **in accordance with R.S. 17:3997.**

\* \* \*

C. A charter school shall:

(1)

\* \* \*

(c)

\* \* \*

(iv) Unless otherwise provided for within the charter, charter schools may not

1 enroll in any given year more than one hundred twenty percent of the total number  
2 of students which had been approved in their charter without formally amending  
3 their charter. **The state board may authorize the state superintendent of**  
4 **education and the superintendent of the Recovery School District to amend the**  
5 **charter of any Type 5 charter school participating in a unified enrollment**  
6 **system administered by the Recovery School District for the purpose of**  
7 **adjusting student enrollment limitations.**

8 \* \* \*

9 ~~(6)(a)(i) Except for Type 5 charter schools to which the requirements~~  
10 ~~provided in Subparagraph (b) of this Paragraph apply, employ teachers certified by~~  
11 ~~the state board or the French Ministry of Education for at least seventy-five percent~~  
12 ~~of the instructional staff employed by the charter school.~~

13 (ii) ~~The remaining portion of the **All** instructional staff shall meet at least one~~  
14 ~~of the following requirements~~ **have at least a baccalaureate degree** and shall be  
15 subject to all provisions of state law relative to background checks applicable to the  
16 employment of public school personnel.

17 ~~(aa) Be authorized under law or state board regulation to teach temporarily~~  
18 ~~while seeking a regular teaching certificate.~~

19 ~~(bb) Have at least a bachelor's degree or at least ten years of experience~~  
20 ~~related to the teaching position for which he is being hired, demonstrate exemplary~~  
21 ~~skills in his field of expertise, and be providing instruction under the supervision of~~  
22 ~~a certified teacher. Any individual who makes an application for employment under~~  
23 ~~this Item shall be employed based on a determination of the applicant's qualifications~~  
24 ~~by the charter school.~~

25 ~~(b) A Type 5 charter school shall:~~

26 ~~(i) Beginning no later than the second school year of operation, have not less~~  
27 ~~than the percentage of teachers certified by the state board than was the case in the~~  
28 ~~school prior to its transfer to the Recovery School District.~~

29 ~~(ii) Beginning no later than the third school year of operation, have a teacher~~

certified by the state board teaching every core subject. Core subject shall be defined by the state board by rule.

~~(iii) All other instructional staff employed in a Type 5 charter school shall meet the same requirements as provided in Item (a)(ii) of this Paragraph.~~

D.

\* \* \*

(2)(a)(i) Notwithstanding the provisions of R.S. 17:158(A), if the local school board is requested to provide transportation services to a charter school student pursuant to R.S. 17:158, then the charter school receiving the transportation services shall reimburse the local school board for the actual cost of providing such transportation **unless an amount less than actual cost is agreed upon by both parties.**

\* \* \*

H.**(1)** Any assets acquired by a Type 1, 2, 3, or 5 charter school are the property of that charter school for the duration of that school's charter agreement. Any assets acquired by a Type 4 charter school are the property of the local school board. If the charter agreement of any Type 1, 2, 3, or 5 charter school is revoked or the school otherwise ceases to operate, all assets purchased with any public funds become the property of the chartering authority. Charter schools are to maintain records of any assets acquired with any private funds which remain the property of the nonprofit organization operating the charter school.

**(2) Any assets acquired by a Type 1B charter school are the property of that charter school for the duration of that school's charter agreement. If the charter agreement is revoked or the school otherwise ceases to operate, all assets purchased with public funds become the property of the chartering authority. Charter schools are to maintain records of any assets acquired with any private funds which remain the property of the nonprofit corporation operating the charter school.**

\* \* \*

§3992. Charter revision and renewal

A.(1) Unless revoked as provided for in Subsection C of this Section, an approved school charter shall be valid for an initial period of ~~five~~ **four** years **and may be extended for a maximum initial term of five years**, contingent upon the results of ~~the reporting requirements at the end~~ **a review conducted after the completion** of the third year as provided in ~~R.S. 17:3998(A)(2)~~, and **R.S. 17:3998. The initial five-year charter** may be renewed for additional periods of not less than three nor more than ten years after thorough review by the approving chartering authority of the charter school's operations and compliance with charter requirements. ~~The process for renewing a school charter shall be the same as for initial charter approval, with a written report being provided annually to the chartering authority regarding the school's academic progress that year. The~~ chartering authority shall notify the chartering group in writing of any decisions made relative to the renewal or nonrenewal of a school's charter not later than January thirty-first of the year in which the charter would expire. A notification that a charter will not be renewed shall include written explanation of the reasons for such non-renewal. Pursuant to Subsection C of this Section and using such annual review process, a charter may be revoked for failure to meet agreed-upon academic results as specified in the charter.

\* \* \*

**D. For each charter school which has met the criteria of Subparagraph (A)(2)(c) of this Section pursuant to automatic renewal, a charter operator shall be eligible to open and operate two additional schools that serve the same grade levels and the same enrollment boundaries as defined in the charter agreement of the school meeting the criteria of Subparagraph (A)(2)(c) of this Section without formal application to the chartering authority with which the charter agreement for the school that meets the criteria of Subparagraph (A)(2)(c) of this Section is held. The charter operator shall notify its chartering authority of its intent to open one or two additional charter schools pursuant to this**

Section at least one-hundred and twenty calendar days prior to the day on which each additional school shall enroll students. At least ninety calendar days prior to the day on which each additional school shall enroll students, the chartering authority shall enter into a charter agreement with the charter operator for each additional school and shall notify the state board of its action.

§3995. Charter school funding

A.(1) Except as otherwise provided by this Subsection, for the purpose of funding, a Type 1, Type 3, and Type 4 charter school shall be considered an approved public school of the local school board entering into the charter agreement and shall receive a per pupil amount each year from the local school board based on the October first membership count of the charter school. Except as otherwise provided by this Subsection, Type 1B and Type 2 charter schools shall receive a per pupil amount each year ~~from the state Department of Education using state funds specifically provided for this purpose. Type 2 charter schools authorized by the State Board of Elementary and Secondary Education after July 1, 2008, shall receive a per pupil amount~~ state board each year as provided in the Minimum Foundation Program approved formula. A local charter authorizer shall not retain more than two percent of the per pupil amount for administrative purposes. The per pupil amount provided to a Type 1, 1B, 2, 3, or 4 charter school shall be computed annually and shall be equal to no less than the per pupil amount received by the school district in which the charter school is located from the following sources based on the district's October first membership count:

\* \* \*

(c) The provisions of this Paragraph permitting the calculation of the per pupil amount to be provided to a Type 1, 1B, 2, 3, or 4 charter school to exclude any portion of local revenues specifically dedicated by the legislature or by voter approval to capital outlay or debt service, shall be applicable only to a charter school housed in a facility or facilities provided by the district in which the charter school is located.

\* \* \*

§3996. Charter schools; exemptions; requirements

\* \* \*

C. A charter school established and operated in accordance with the provisions of this Chapter shall comply with state and federal laws and regulations otherwise applicable to public schools with respect to civil rights and individuals with disabilities. Any Type 1B, Type 2, or Type 5 charter school shall be considered the local education agency for the purposes of any special education funding or statutory definitions, while the local school board shall remain the local education agency for any Type 1, 3, or 4 charter school.

\* \* \*

G. All charter schools established and operated in accordance with the provisions of this Chapter shall comply with the provisions of R.S. 39:1301 through 1315. Each Type 1, 3, and 4 charter school annually shall submit its budget to the local school board that approved its charter, and such board shall submit the charter school's budget to the state superintendent of education in accordance with the provisions of R.S. 17:88. **Each Type 1B charter school annually shall submit its budget to its authorizer.** Each Type 2 and Type 5 charter school annually shall submit its budget directly to the state superintendent of education.

\* \* \*

§3998. Reports; **review**

A.~~(1)~~ Each chartering authority shall report to the state board on the number of schools chartered, the status of those schools, and any recommendations by July first of each year.

~~(2)~~ B. Each charter school shall ~~provide a comprehensive report to be reviewed by~~ its chartering authority ~~at the end~~ **after the completion** of the third year. If the charter school is achieving its stated goals and objectives pursuant to its approved charter, then the chartering authority shall extend the duration of the charter for ~~the additional two-year period~~ **a maximum initial term of five years** as

provided in R.S. 17:3992(A)(1). **If the charter school is not achieving its stated goals and objectives pursuant to its approved charter, then the chartering authority shall not extend the duration of the charter and it shall expire at the end of the school's fourth year.**

~~B. The state board shall review information regarding the laws, regulations, and policies from which charter schools were exempt pursuant to this Chapter to determine if the exemptions assisted or impeded the charter schools in meeting their stated goals and objectives.~~

~~C. The state board shall report to the governor and to the Senate and House Committees on Education no later than January 1, 2001, on its initial findings including recommendations to modify, expand, or terminate the approach.~~

~~D. In preparing the report required by this Section, the state board shall compare to the extent statistically possible the performance of charter school pupils with the performance of ethnically and economically comparable groups of pupils in other schools who are enrolled in academically comparable courses, including a fiscal and programmatic analysis based on the total per pupil funding in each charter school in relation to the total per pupil funding in the respective local public school system that has been invested in instruction.~~

\* \* \*

§4001. Louisiana Charter School Start-Up Loan Fund; creation; purpose; distribution

A. The Louisiana Charter School Start-Up Loan Fund, hereafter referred to as the "fund", is hereby created within the state treasury for the purposes of providing a source for funding no-interest loans to assist both existing and new ~~type~~ **Type 1, Type 1B, type Type 2, or type Type 3** charter schools with initial start-up funding and for funding the administrative and legal cost associated with the charter school program.

\* \* \*

~~C.(1) The State Board of Elementary and Secondary Education~~ state board

1 shall administer the use of the monies appropriated from the fund and shall adopt  
2 rules in accordance with the Administrative Procedure Act. The adopted rules shall  
3 specify that state board approval of any ~~type~~ **Type 2** charter school proposal that  
4 includes within its budget a request for loan funding which complies with the  
5 provisions of this Section and details regarding how those loan funds are to be  
6 expended, shall constitute the approval of that loan amount. No additional loan  
7 application paperwork shall be required. Any ~~type~~ **Type 1** or ~~type~~ **Type 3** charter  
8 school approved by their local school board **and a Type 1B charter school**  
9 **approved by a certified local charter authorizer** shall be required to submit no  
10 more than their approved charter proposal and a detailed budget identifying how any  
11 loan funds are to be expended and how such request complies with the provisions of  
12 this Section. The state board may reject any such request which does not comply  
13 with terms of this Section. Such rules shall also note that any loan funding may only  
14 be used to purchase tangible items such as equipment, technology, instructional  
15 materials, and facility acquisition, upgrade, and repairs. Such equipment or other  
16 items shall become the property of the state if the loan is not fully repaid by virtue  
17 of the school ceasing to operate during the three years of automatic loan repayment  
18 as noted in Paragraph (3) of this Subsection.

19 (2) Loans shall be made only to ~~type~~ **Type 1**, **Type 1B**, ~~type~~ **Type 2**, and  
20 ~~type~~ **Type 3** charter schools and shall not exceed one hundred thousand dollars to  
21 pay for charter school start-up and early operating expenses. No money lent as  
22 provided in this Section may be used to pay prior debts of the nonprofit corporation  
23 which formed the charter school, any of the natural persons principally involved in  
24 forming the charter school, or any former or current business or nonprofit venture  
25 of any such natural persons for any purchase not related to the creation of the charter  
26 school, or to pay to members of the immediate family of any such natural persons,  
27 or to make any investments.

## 28 **PART VII. COURSE PROVIDERS**

### 29 **§4002.1. Course Providers; short title**



1                   **This Part shall be known as the "Course Choice Program".**

2                   **§4002.2. Legislative findings**

3                   **The legislature finds and declares that:**

4                   **(1) It is in the public interest that all Louisiana school children have**  
5                   **access to the type and format of education that best meets the needs of the**  
6                   **individual student, that each student has different needs that merit a variety of**  
7                   **course choices on the individual student level, and that the state has the right,**  
8                   **responsibility, duty, and obligation to accomplish the objective of a quality,**  
9                   **individualized education for all Louisiana children.**

10                  **(2) Enrollment of children in course work offered by course providers**  
11                  **is in compliance with the objectives of Louisiana's compulsory attendance law;**  
12                  **course providers in Louisiana make a significant educational and economic**  
13                  **contribution towards meeting the goal of a quality, individualized education for**  
14                  **every Louisiana school child; and Louisiana has recognized and encouraged**  
15                  **that contribution through on-line education and dual enrollment in**  
16                  **postsecondary education institutions for many years.**

17                  **(3) Effective course providers exist in Louisiana.**

18                  **(4) Course providers can offer a quality education to students and it is**  
19                  **in the public interest to offer students the means of accessing the educational**  
20                  **opportunities offered by per course providers by providing students with the**  
21                  **public funds allocated to them from local and state sources to enroll in such**  
22                  **courses.**

23                  **(5) Postsecondary education institutions can serve as quality course**  
24                  **providers for students who seek advanced level course work or technical or**  
25                  **vocational instruction.**

26                  **(6) Online or virtual course providers can serve as quality course**  
27                  **providers for students who desire additional access to high quality courses,**  
28                  **especially but not limited to those students enrolled at low-performing public**  
29                  **schools, students who for reasons of geography may not be able to exercise their**

right to educational choice, and students who may desire an alternative schooling schedule or calendar.

(7) Business and industry can serve as quality course providers that offer course work in their particular field or expertise with the goal of increasing the skilled workforce required for a robust Louisiana economy.

**§4002.3. Definitions**

As used in this Part, unless otherwise clearly indicated, the following terms mean:

(1) "Eligible funded student" means any student who resides in Louisiana and meets one of the following criteria:

(a) Is attending a public school that received a letter grade of "C", "D", or "F", or any variation thereof, according to the Louisiana School and District Accountability System.

(b) Is attending a public school that does not offer the course in which the student desires to enroll, as determined by the state board.

(c) Is enrolled in an approved home study program.

(d) Is a scholarship recipient pursuant to R.S. 17:4013 and attends a participating school in accordance with R.S. 17:4011 through 4025.

(2) "Eligible participating student" means any student who resides in Louisiana and meets one of the following criteria:

(a) Is attending a public school that has received a letter grade of "A" or "B", or any variation thereof, according to the school and district accountability system.

(b) Is attending a nonpublic school that is approved, provisionally approved, or probationally approved by the state board pursuant to RS 17:11.

(3) "Course provider" means an entity that offers individual courses in person or online, including but not limited to online or virtual education providers, postsecondary education institutions, and corporations that offer vocational or technical course work in their field, and have been authorized to

1 provide such courses by the state board.

2 (4) "State board" means the State Board of Elementary and Secondary  
3 Education.

4 §4002.4. State board; powers and duties relative to per course providers

5 A.(1) Not later than January 1, 2013, the state board shall create a  
6 process for authorizing course providers that shall determine whether each  
7 proposed course provider complies with the law and rules, whether the proposal  
8 is valid, complete, financially well-structured, and educationally sound, whether  
9 it provides a plan for collecting data in accordance with R.S. 17:3911, and  
10 whether it offers potential for fulfilling the purposes of this Part. The state  
11 board shall provide for an independent evaluation of the proposal by a third  
12 party with educational, organizational, legal, and financial expertise.

13 (2) The process shall provide for an agreement with the course provider  
14 that shall include, at a minimum, a plan for implementing or providing the  
15 following:

16 (a) Administration of state assessments as required by the school and  
17 district accountability system, except to students as defined by R.S.  
18 17:4004(1)(c).

19 (b) The parishes or local school systems in which the per course provider  
20 will operate.

21 (c) Proposed courses offered, alignment of said courses by the course  
22 provider with the requirements provided in R.S. 17:24.4, and the designated  
23 length of each course offered.

24 (d) Alignment of the courses offered by the course provider with any  
25 type of approved Louisiana diploma, including those provided in R.S. 17:183.2,  
26 183.3, and 236.1.

27 (e) Assurances that the course provider shall, to the best of its ability,  
28 collaborate and coordinate with a local school system or other school in which  
29 a eligible funded student or eligible participating student is enrolled full time.

1           **B. (1) The initial authorization of the course provider shall be for a**  
2           **period of three years. After the second year of the initial authorization period,**  
3           **the state board shall conduct a thorough review of the course provider's**  
4           **activities and the student achievement performance of the students enrolled in**  
5           **courses offered by the course provider in accordance with the school and**  
6           **district accountability system. If the performance of the students enrolled in**  
7           **courses offered by the course provider pursuant to the school and district**  
8           **accountability system does not meet performance standards set by the state**  
9           **board, the state board shall place the course provider on probation.**

10           **(2) After the initial three year authorization period, the state board may**  
11           **reauthorize the course provider for additional periods of not less than three**  
12           **years nor more than five years after thorough review of the course provider's**  
13           **activities and the achievement of students enrolled in courses offered by the course**  
14           **provider.**

15           **(3) The state board shall monitor and evaluate the course provider in**  
16           **accordance with performance expectations set forth by the state board in which**  
17           **student achievement is the predominant criterion.**

18           **(4) The state board shall create a process for common course numbering**  
19           **of all courses listed in the course catalogue and for determining whether courses**  
20           **are in compliance with R.S. 17:24.4. For courses offered by postsecondary**  
21           **education institutions that are authorized course providers, the state board shall**  
22           **consult with the Board of Regents.**

23           **C. Not later than January 1, 2013, the state board shall create a**  
24           **reciprocal teacher certification process for teachers who reside in other states**  
25           **but who are employed by authorized course providers and teach virtual**  
26           **education courses to satisfy the state certification requirements pursuant to R.S.**  
27           **17:17.1.**

28           **D. Prior to the 2013-2014 school year, the state board shall create a**  
29           **course catalogue for all courses offered, by parish.**

**§4002.5. Local school systems; per course providers**

**A.(1) Each local school system shall establish policies and procedures whereby for each eligible funded student, except those defined in R.S. 17:4004(1)(c), or eligible participating student attending public school:**

**(a) Credits earned through the per course provider shall appear on the eligible funded student's or eligible participating student's official transcript and count fully towards the requirements of any approved Louisiana diploma.**

**(b) The eligible funded student and the eligible participating student attending a public school shall be administered the tests required pursuant to RS 17:24.4.**

**(c) The eligible funded student and the eligible participating student attending public school shall receive all non-instructional and instructional services which he would be entitled if attending the school in which he is enrolled full time for all courses, including by not limited to special education services pursuant to the eligible funded student or eligible participating student's Individual Education Plan, and transportation and food services at the same level provided to all students who are enrolled at the school for all courses.**

**B. Each local public school system shall make available to all students the course catalogue as provided by the state board during the annual course enrollment process for that local school system.**

**C. No local public school system shall actively discourage, intimidate, or threaten an eligible funded student or an eligible participating student during the course enrollment process or at any time for that local school system.**

**D. The aggregate test scores of students who are enrolled in a course pursuant to this Part and in accordance with Subsection A of this Section shall be counted in the school performance score for the school in which the student is enrolled full time. However, these test scores also shall be reported to and published by the state Department of Education for each course provider in an easy to understand format and on the department's website.**

1           E. The eligible funded student, except for those defined in R.S.  
2           4004(1)(c), and the eligible participating student who is enrolled in a public  
3           school shall enroll in at least one course at the school in which they are enrolled  
4           full time.

5           F. The state board shall adopt rules necessary to implement this Part,  
6           including but not limited to the requirements of school governing authorities or  
7           local school systems whose students enroll in courses offered by authorized  
8           course providers.

9           §4002.6. Per course providers; funding

10           A.(1) The per course provider shall receive a per course amount for each  
11           eligible funded student.

12           (2) For purposes of this Part, the per course amount means an amount  
13           equal to the market rate as determined by the course provider and reported to  
14           the state Department of Education up to one-sixth of ninety percent of the per  
15           pupil amount each year as determined by the minimum foundation program for  
16           the local school system in which the eligible funded student resides. Any  
17           remaining funds, except those specified in Paragraph (3) of this Subsection, for  
18           that student shall be returned to the state or to the local school system according  
19           to the pro rata share for the per pupil amount each year as determined by the  
20           minimum foundation program for the local school system in which the student  
21           resides. Transfers of per course payments shall be made by the state  
22           Department of Education on behalf of the responsible city or parish school  
23           system in which the student resides to the authorized course provider.

24           (3) An amount equal to ten percent of the per pupil amount according  
25           to the pro rata share as determined each year by the minimum foundation  
26           program for the local school system in which the eligible funded student resides  
27           shall remain with the local school system in which the eligible funded student  
28           is enrolled full time. These funds shall be used to finance any administrative or  
29           operational costs to support students enrolled in courses offered by course

1 providers, as determined by the state board.

2 (4) Paragraph (3) of this Subsection shall not apply to students defined  
3 in R.S. 17:4004(1)(c). The per course provider shall receive payment only for the  
4 courses in which the student is enrolled in accordance with Subsection C of this  
5 Section The remaining funds for students defined in R.S. 17:4004(1)(c) shall be  
6 returned to the state or to the local public school system according to the pro  
7 rata share for the per pupil amount each year as determined by the minimum  
8 foundation program for the local school system in which the student resides.  
9 The remaining funds for students defined in R.S. 17:4004(1)(d) shall remain  
10 with the participating school in which the student is enrolled and in accordance  
11 with R.S. 17:4011 through 4025.

12 B. (1) The course provider may charge tuition to any eligible  
13 participating student in an amount equal to the amount determined by the  
14 course provider and reported to the state Department of Education in  
15 accordance with Paragraph (A)(2) of this Section.

16 (2) The course provider shall accept the amount specified in Paragraph  
17 (A)(2) of this Section as total tuition and fees for the eligible participating  
18 student.

19 C.(1) Fifty percent of the amount of tuition to be paid or transferred  
20 through the minimum foundation program to the course provider shall be paid  
21 or transferred upon student enrollment in a course and fifty percent shall be  
22 paid or transferred upon course completion according to the published course  
23 length.

24 (2) If a student does not complete a course according to the published  
25 course length in which the per course provider has received the first payment  
26 pursuant to Paragraph (1) of this Subsection, the provider shall receive forty  
27 percent of the per course amount as defined in Paragraph (A)(2) of this Section  
28 only if the student completes the course and receives credit for the course prior  
29 to exiting or graduating from high school pursuant to RS 17:24.4.

**(3). The remaining ten percent of the per pupil amount according to the pro rata share as determined each year by the minimum foundation program for the local public school system in which the eligible funded student resides shall remain with the school in which the eligible funded student is enrolled full time. This shall be in addition to the ten percent specified in Paragraph (A)(3) of this Section.**

\* \* \*

§4011. Short title

This Chapter shall be known and may be cited as the "Student Scholarships for Educational Excellence Act".

## §4012. Legislative findings

The legislature finds and declares that:

(1) It is in the public interest that all Louisiana schoolchildren receive the best education that its citizens can provide, and the state of Louisiana has the right, responsibility, duty, and obligation to accomplish the objective of quality education for all Louisiana children, particularly for those children in school systems that have been declared to be academically in crisis.

(2) Attendance of children at nonpublic schools constitutes compliance with the objectives of Louisiana's compulsory attendance law; nonpublic schools in Louisiana make a significant educational and economic contribution towards meeting the goal of a quality education for every Louisiana school child; and Louisiana has recognized and encouraged that contribution through providing textbooks and transportation to students attending approved nonpublic schools for many decades.

(3) Effective nonpublic schools exist in Louisiana's school systems;  
~~including those that are academically in crisis.~~

(4) Nonpublic schools can offer a quality education to students in systems that are academically in crisis, and it is in the public interest to offer students in such all systems the means of accessing the educational opportunities offered by



nonpublic schools by providing them with scholarships to attend such schools.

(5) Academically acceptable public schools can serve as quality alternatives for students attending low-performing public schools.

#### §4013. Definitions

As used in this Chapter, unless otherwise clearly indicated, the following terms ~~shall~~ mean:

(1) ~~"Covered district" means a local public school system which meets all of the following criteria:~~

~~(a) Has been found to be academically in crisis pursuant to R.S. 17:10.6.~~

~~(b) Has had schools transferred to the jurisdiction of the Recovery School District pursuant to R.S. 17:10.7.~~

~~(c) Is located in a municipality with a population of at least three hundred thousand persons according to the latest federal decennial census and includes the Recovery School District established pursuant to R.S. 17:1990 to the extent that schools under the district's jurisdiction are located within the geographic boundaries of a covered district.~~

(2) "Department" means the state Department of Education.

(3) (2) "Eligible student" means a student who resides ~~within the geographic boundaries of a covered district~~, **in Louisiana**, is a member of a family with a total income that does not exceed two hundred fifty percent of the current federal poverty guidelines as established by the federal office of management and budget, and who meets any one of the following criteria:

(a) Is entering kindergarten **and has enrolled in the local school system in which the public school he would have otherwise attended is located. Each local school system shall conduct its annual kindergarten enrollment process and shall report such enrollment to the department prior to the program enrollment process.**

(b) Was enrolled in a public school ~~located within a covered district during the previous~~ **in Louisiana on February first of the most recent** school year in a

~~program-eligible grade~~ and such school ~~has been identified as academically unacceptable or has a school performance score or an assessment index of sixty or less as defined by the State Board of Elementary and Secondary Education~~ **received a letter grade of "C", "D", or "F" or any variation thereof, for the most recent year** pursuant to policies developed and adopted by the board for implementation of the school and district accountability system.

(c) Received a scholarship pursuant to this Chapter in the previous school year ~~and remains otherwise eligible.~~

~~(4)~~ **(3)** "Participating school" means a nonpublic school that meets program requirements and seeks to enroll scholarship recipients pursuant to this Chapter or a public school ~~located within the geographic boundaries of a covered district that~~ meets program requirements and seeks to enroll scholarship recipients pursuant to this Chapter **subject to any court-ordered desegregation plan in effect for the school system in which the public school is located.**

~~(5)~~ **(4)** "Program" means the Student Scholarships for Educational Excellence Program.

~~(6)~~ **(5)** "Scholarship" means the funds awarded to a parent or other legal guardian on behalf of an eligible student to attend a participating **public or nonpublic** school pursuant to this Chapter.

~~(7)~~ **(6)** "Scholarship recipient" means an eligible student who is awarded a scholarship pursuant to this Chapter.

§4014. Student Scholarships for Educational Excellence Program; creation

The Student Scholarships for Educational Excellence Program is hereby created and shall be administered by the ~~state Department of Education~~ **department.**

§4015. Program administration

In administering the program pursuant to this Chapter, the department shall:

(1) Determine student eligibility for **awarding** scholarships.

(2) Receive ~~the~~ notice of intent from schools seeking to participate in the program; **which shall include the number of available seats per grade, and**

1 qualify such schools for participation in the program, ~~and determine the number of~~  
2 ~~available seats, by grade, at participating schools.~~ **For eligible public schools, the**  
3 **notice of intent shall be submitted by the principal of the school with the**  
4 **approval of the local superintendent. The local school board shall delegate the**  
5 **authority to participate in the program to the local superintendent.**

6 (3)(a) Accept applications from parents ~~and other~~ **or** legal guardians of  
7 eligible students and award scholarships to eligible students ~~who submit applications,~~  
8 ~~up to the number of available seats in each grade at all participating schools.~~ **Each**  
9 **application shall indicate the parent or legal guardian's choice or choices of**  
10 **participating schools.**

11 (b) In the event there are more eligible students who submit applications than  
12 there are available seats at participating schools for any grade, the department shall  
13 ~~utilize~~ **conduct** a random selection process to award scholarships that provides each  
14 eligible student an equal opportunity for selection. **However, the department may**  
15 **give preference to the following:**

16 **(i) Siblings of students already enrolled in the participating school.**

17 **(ii) Students enrolled in the Nonpublic School Early Childhood**  
18 **Development Program at the participating school.**

19 **(iii) Participating students transferring from an ineligible school**  
20 **pursuant to R.S. 17:4015.**

21 **(c) For the purposes of the random selection process, twins, triplets,**  
22 **quadruplets, and other such multiple births shall constitute one individual.**

23 (4) Notify parents ~~and other~~ **or** legal guardians of eligible students who  
24 applied for scholarships whether they have been awarded a scholarship and ~~of the~~  
25 ~~process that must be followed to enroll in a~~ **placed at a particular** participating  
26 school. **The scholarship recipient shall be placed through the random selection**  
27 **process and according to his indicated preferences as provided in Paragraph (3)**  
28 **of this Subsection. For the purposes of this Section, a unified enrollment system**  
29 **administered by the Recovery School District may be considered the random**

1 **selection process. The department shall continue the random selection process**  
2 **until each seat is filled prior to the start of the school year.**

3 (5) Remit scholarship payments to participating schools on behalf of a  
4 scholarship recipient.

5 (6) Receive independent financial audits from participating nonpublic  
6 schools as required by this Chapter **R.S. 17:4022(4).**

7 ~~(7) In the event that there are more scholarship recipients applying for~~  
8 ~~enrollment in a participating school than there are available seats, ensure that the~~  
9 ~~school shall select scholarship recipients for admission utilizing a random selection~~  
10 ~~process that provides each scholarship recipient with an equal opportunity for~~  
11 ~~selection. The department shall establish a time line that coordinates a random~~  
12 ~~selection process at all participating schools and shall ensure that each participating~~  
13 ~~school adopts procedures for conducting such random selection process and notifies~~  
14 ~~the parents or legal guardians of scholarship recipients of the procedures to be~~  
15 ~~followed should a random selection process be required.~~

16 (8) For students enrolled in the program, annually verify the eligibility status  
17 of each student and notify his parent or other legal guardian of his status by not later  
18 than April thirtieth or a date determined by the department that would provide  
19 students who are no longer eligible for a scholarship sufficient time to apply to  
20 another school within the covered district.

21 (9) Provide **(7) Annually publish** each scholarship recipient and their parent  
22 or legal guardian with a list of **the following information for all** schools  
23 participating in the program: :

24 **(a) The most recent aggregate average proficiency rates on state**  
25 **assessments for scholarship recipients enrolled at each participating school.**

26 **(b) A list of all public schools with a letter grade of "C", "D", or "F", or**  
27 **any variation thereof.**

28 **(c) The rate at which scholarship recipients finish the highest grade level**  
29 **offered at a participating school, by entering cohort.**

1 **(d) The retention rate for scholarship recipients.**

2 **(f) The percentage of parents or legal guardians of scholarship recipients**  
3 **who are satisfied with the participating school.**

4 ~~(10)~~ **(8)**(a) Place any participating school that fails to comply with the audit  
5 provisions pursuant to R.S. 17:4022(4) on probation for a period of one year during  
6 which such school shall not be permitted to enroll additional scholarship recipients.

7 (b) If such school ~~has not come into~~ **is not in** full compliance by the end of  
8 the one-year probationary period, the school shall be ineligible to participate in the  
9 program until such time as the department has determined that the school is in full  
10 compliance.

11 (c) The department shall assist any scholarship recipient attending a school  
12 that is ~~no longer eligible~~ **ineligible** to participate in the program ~~to transfer in~~  
13 **transferring** to another participating school, provided such school has sufficient  
14 capacity at the appropriate grade level.

15 §4016. Scholarship amounts; funding

16 **A. The state board shall allocate annually from the minimum foundation**  
17 **program an** The amount **per pupil to each participating school equal to the**  
18 **amount allocated per student to the local school system in which the**  
19 **participating student resides. This amount shall be counted toward the**  
20 **equitable allocation of funds appropriated to parish and city school systems as**  
21 **provided in Article VIII, Section 13(B) of the state constitution.** ~~of the~~  
22 ~~scholarship provided on behalf of a scholarship recipient shall be an amount~~  
23 ~~equivalent to ninety percent of the per pupil amount the covered district receives~~  
24 ~~from combined state and local sources~~ **If** or the maximum amount of tuition plus  
25 incidental or supplementary fees that are charged to non-scholarship students  
26 enrolled in such school and any costs incurred in administering the tests required  
27 pursuant to R.S. 17:4023 **is less than the amount allocated per student to the local**  
28 **school system in which the student resides, whichever is less. any remaining**  
29 **funds shall be returned to the state or to the local public school system in which**

1 the scholarship recipient attended or otherwise would be attending public  
2 school for that year according to the pro rata share for the per pupil amount  
3 each year as determined by the minimum foundation program for the local  
4 public school system in which the scholarship recipient attended or otherwise  
5 would be attending public school for that year.

6 B. Transfers of scholarship payments shall be made by the Department  
7 of Education on behalf of the responsible city or parish school districts to  
8 eligible nonpublic and eligible public schools. ~~The amount of the scholarship~~  
9 ~~provided on behalf of a scholarship recipient that enrolls in a participating school~~  
10 ~~that does not charge tuition shall be an amount equivalent to ninety percent of the per~~  
11 ~~pupil amount the covered district receives from combined state and local sources or~~  
12 ~~the participating school's actual cost of educating a student plus any costs incurred~~  
13 ~~in administering the tests required pursuant to R.S. 17:4023, whichever is less.~~

14 C. For If a scholarship recipient ~~who is~~ enrolled in a participating  
15 nonpublic school would have been entitled to receive special education services  
16 there shall be added to the amount of the scholarship an amount equivalent to special  
17 education funding provided to a covered district for such a student from federal  
18 sources. ~~A participating public school receiving a scholarship payment for a~~  
19 ~~scholarship recipient pursuant to this Chapter shall not receive any funds through the~~  
20 ~~Minimum Foundation Program for such student.~~ in the public school he would  
21 otherwise be attending, his parent or legal guardian shall indicate in writing, as  
22 part of the enrollment process, one of the following:

23 (1) That the scholarship recipient's parent or legal guardian revokes  
24 consent for the participating student to receive such services from either the  
25 nonpublic participating school or the local school system in which the  
26 scholarship recipient otherwise would be attending. declines to receive such  
27 services.

28 (2)(a) That the scholarship recipient will receive such services from the  
29 participating nonpublic school if the school chooses to offer such services. In

1 such case the nonpublic school may charge a higher tuition for students  
2 receiving such services, the state board shall allocate annually from the  
3 minimum foundation program an amount per pupil to each participating school  
4 equal to a special education tuition amount based on the cost of providing  
5 special education services identified for that student to the nonpublic  
6 participating school. This amount shall be in addition to the nonpublic  
7 participating school's maximum scholarship payment as described in  
8 Subsections (A) and (B) of this Section but the total of the payment and the  
9 special education tuition shall not exceed the amount allocated for that student  
10 to the local school system if the student otherwise would be attending public  
11 school.

12 ((b) To offer special education services pursuant to Item (a) of this  
13 Subsection, a nonpublic participating school shall meet all of the following  
14 eligibility criteria:

15 (i) Has existed and provided educational services to students with  
16 exceptionalities as defined in R.S. 17:1942, excluding students deemed to be  
17 gifted or talented, for at least two years prior to participation in the program  
18 and such provision of services shall be pursuant to an established program in  
19 place at the school that includes instruction by teachers holding appropriate  
20 certification in special education or other appropriate education or training as  
21 defined by the department and that is in accordance with a student's Individual  
22 Education Plan and rules and regulations developed as required in this Section.

23 (ii) In accordance with time lines as determined by the department, each  
24 nonpublic participating school choosing to offer special education services shall  
25 inform the department of the types of student exceptionalities as defined in R.S.  
26 17:1942 that the school is willing to serve.

27 ~~D. Funding for scholarships awarded to parents or other legal guardians of~~  
28 ~~eligible students pursuant to this Chapter shall be provided by an appropriation from~~  
29 ~~the legislature from the state general fund. Each scholarship recipient is a member~~

1 of the local public school system in which he attended or otherwise would be  
2 attending public school for that school year. Prior to the program enrollment  
3 process and in accordance with a time line specified by the department for this  
4 purpose, students entering kindergarten shall enroll in the membership of the  
5 local public school system in which they otherwise would be attending public  
6 school for that school year. Each local public school system shall conduct its  
7 annual kindergarten enrollment process in accordance with the department's  
8 time line and shall report such enrollment to the department prior to the  
9 program enrollment process.

10 ~~E. The total amount of state funds expended to implement the provisions of~~  
11 ~~this Chapter for Fiscal Year 2008-2009 shall not exceed ten million dollars.~~

12 §4017. Payment of scholarships

13 A. ~~The Department of Education~~ **department** shall remit scholarship  
14 payments directly to each participating school on behalf of the parent or ~~other~~ legal  
15 guardian of a scholarship recipient. The parent or ~~other~~ legal guardian shall assign  
16 the full value of the scholarship to the participating school.

17 B. The amount to be paid for a scholarship shall be divided into four equal  
18 payments to be made to each participating school in September, ~~November,~~  
19 **December,** February, and May of each school year. Payments shall be based on per  
20 pupil count dates as determined by the department. No refunds shall be made to the  
21 department or to the parent or ~~other~~ legal guardian if the scholarship recipient  
22 withdraws from the program or is otherwise not enrolled prior to the next count date.  
23 **The school in which the scholarship recipient is enrolled on the next count date**  
24 **shall receive the next payment.**

25 §4018. Student eligibility

26 ~~A. For the 2008-2009 academic year, students shall be eligible to receive~~  
27 ~~their initial scholarships when entering kindergarten or when entering the first,~~  
28 ~~second, or third grade if they attended public school in the covered district during the~~  
29 ~~previous school year. Students in grades four through twelve shall be eligible for~~



1        ~~scholarships as additional grade levels are added to the program.~~

2                B. Scholarship recipients shall remain eligible to receive scholarships in each  
3        succeeding year that they remain enrolled in a participating school through grade  
4        twelve. ~~As the 2008-2009 cohort of scholarship recipients advances in grade level,~~  
5        ~~one additional grade level of eligibility shall be added to the program, beginning in~~  
6        ~~2009-2010. Student eligibility continues~~ **Eligibility shall continue** if a student  
7        recipient transfers from one participating school to another participating school.

8        §4019. District eligibility

9                ~~A covered district that is eligible for inclusion in the program on June 25,~~  
10        ~~2008, shall be considered a covered district for the duration of the program.~~

11        §4020. School participation; application

12                A. Participation in this program by a school is voluntary, and **nothing in** this  
13        Chapter shall ~~not~~ be construed to authorize any additional regulation of participating  
14        schools beyond that specifically authorized by this Chapter.

15                B. Any school that wishes to participate in the program and enroll  
16        scholarship recipients annually shall notify the department of its intent to participate  
17        in the program by February first of the previous school year; except that for the  
18        ~~2008-2009~~ **2012-2013** school year, a school that seeks to participate in the program  
19        shall notify the department of its intent to participate not later than ~~July 30, 2008.~~  
20        **June 30, 2012.** The notice shall specify the number of seats the school will have  
21        available for scholarship recipients at each grade level and the maximum amount of  
22        tuition attributable to each available seat, **as applicable.**

23        §4021. School eligibility

24                A. To be eligible to participate in the program, a nonpublic school shall meet  
25        all of the following criteria:

26                (1) Be approved, provisionally approved, or probationally approved by the  
27        State Board of Elementary and Secondary Education pursuant to R.S. 17:11.

28                (2) Comply with the criteria set forth in *Brumfield, et al. v. Dodd, et al.* 425  
29        F. Supp. 528.

(3)(a) Enrollment of scholarship recipients in a participating school that has been in operation for less than two years shall not exceed twenty percent of such school's total student enrollment.

(b) The department may grant a waiver of this requirement to a participating school **if at least one of the following criteria is met:**

(i) ~~the~~ **The** governing authority of ~~such~~ **the** school demonstrates a proven record of successful operation of other schools.

(ii) **The governing authority of the school demonstrates its financial viability by submitting to the department a letter of credit or a surety bond from an accredited financial institution authorized to do business in this state.**

B. To be eligible to participate in the program, a public school shall ~~be determined to be academically acceptable~~ **have received a letter grade of "A" or "B", or any variation thereof, for the most recent school year** pursuant to the ~~Louisiana School and District Accountability Program~~ **school and district accountability system.**

C. Scholarship recipients enrolled in a participating school that fails to meet the eligibility criteria established in this Section may transfer to another participating school for the succeeding school year without loss of eligibility, and such ~~students~~ **recipients** shall be given preference for enrollment at other participating schools.

§4022. Participating schools; requirements

Each participating school shall:

(1) ~~Within sixty days after the scholarship program admissions period as scheduled by the department, notify the applicant in writing whether the applicant has been accepted.~~

(2) Use an open admissions process in enrolling scholarship recipients in the program and shall not require any additional eligibility criteria other than those specified in R.S. 17:4013(3)(2). ~~In the event that there are more scholarship recipients applying for enrollment in a participating school than there are available seats, select scholarship recipients for admission utilizing a random selection process~~

1       ~~that provides each scholarship recipient with equal opportunity for selection.~~  
2       ~~However, a participating school may give preference to siblings of a student who is~~  
3       ~~already enrolled in the participating school. For the purposes of such random~~  
4       ~~selection process, twins, triplets, quadruplets, and other such multiple births shall~~  
5       ~~constitute one individual. Participating schools shall notify the department of any~~  
6       ~~scholarship recipient not selected by random selection so that the department may~~  
7       ~~notify those students of other participating schools with an available seat. In the~~  
8       ~~event that the student not selected does not wish to enroll in another participating~~  
9       ~~school, the school shall add the student to a waiting list so that he may be enrolled~~  
10      ~~when a seat becomes available. Students may remain on more than one participating~~  
11      ~~school's waiting list; however, upon enrolling in a participating school, their names~~  
12      ~~shall be removed from waiting lists maintained by other participating schools.~~

13               ~~(3)~~ **Notify (2) Within ten business days of the first day of school as**  
14      **determined by the participating school, notify** the department of scholarship  
15      recipients enrolled.

16               ~~(4)~~ **(3)** Submit to the department an independent financial audit of the school  
17      conducted by a certified public accountant who has been approved by the legislative  
18      auditor. Such audit shall be accompanied by the auditor's statement that the report  
19      is free of material misstatements and fairly presents the participating school's  
20      maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016. The  
21      audit shall be limited in scope to those records necessary for the department to make  
22      scholarship payments to the participating school and shall be submitted to the  
23      legislative auditor for review and investigation of any irregularities or audit findings.  
24      The participating school shall return to the state any funds that the legislative auditor  
25      determines were expended in a manner inconsistent with state law or program  
26      regulations. The cost of such audit shall be paid by the department from funds  
27      appropriated by the legislature to implement the provisions of this Chapter.

28               ~~(5)~~ **(4)** Accept the scholarship amounts provided to scholarship recipients as  
29      full payment of all educational costs, including incidental or supplementary fees; that

are charged to all enrolled students; including but not limited to meals, field trips, and before- or after-school care.

~~(6) (5) Upon enrolling scholarship recipients pursuant to this Chapter, allow such students~~ **Allow scholarship recipients** to remain enrolled in the school **for the duration of the school year at no additional cost to the state or the recipients' parents or legal guardians** if the school voluntarily withdraws from the program ~~provided that continued funding is appropriated by the legislature for the program.~~ However, ~~students~~ **a scholarship recipient** may be expelled from the school according to the school's discipline policy ~~or disqualified from enrollment in subsequent years if the student is no longer eligible for the program as determined by the department. In the event~~ **and shall report such dismissal to the department within two business days of such dismissal. If** funding is not available to continue the program, the participating school shall allow a scholarship recipient to remain enrolled in such school, provided such ~~student~~ **recipient** meets the school's requirements for continued enrollment and ~~the student's~~ **his** parent or legal guardian assumes responsibility for paying the tuition and fees charged to all students enrolled in the school.

~~(7) (6)~~ Prior to enrollment, inform the parent or ~~other~~ legal guardian of a scholarship recipient of any and all rules, policies, and procedures of such school, including but not limited to academic policies, disciplinary rules, and procedures of the school. Enrollment of a scholarship recipient in a participating school constitutes acceptance of any such rules, policies, and procedures of such school.

#### §4023. Testing

A participating nonpublic school shall ensure that scholarship recipients are administered all examinations required pursuant to the ~~Louisiana School and District Accountability System~~ **school and district accountability system** at the prescribed grade levels ~~including the Louisiana Educational Assessment Program, the integrated Louisiana Educational Assessment Program (iLEAP), and graduation exit examinations~~ **and that the results of such examinations are provided to parents**

1           **or legal guardians.**

2           §4024. Reports

3           The ~~Department of Education~~ **department** annually shall report to the Senate  
4           Committee on Education, the House Committee on Education, and the Joint  
5           Legislative Committee on the Budget regarding the implementation of the program,  
6           including the number of eligible students receiving scholarships, a list of  
7           participating schools and the number of scholarship recipients each such school  
8           enrolled, and aggregate test result data for the scholarship recipients enrolled in each  
9           participating school.

10          §4025. Rules

11          The State Board of Elementary and Secondary Education shall adopt and  
12          promulgate rules and regulations in accordance with the Administrative Procedure  
13          Act to implement the provisions of this Chapter.

14          Section 2. R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4) are hereby repealed in  
15          their entirety.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alan Miller.

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#### DIGEST

Proposed law revises the Student Scholarships for Educational Excellent Program to make it a statewide program and to otherwise revise. Revises the charter school law to provide for a program under which nonprofit corporations may be certified as charter authorizers and to provide relative to schools chartered by such authorizers. Further provides for charters for per course providers and generally liberalizes the process for granting charters. Provides relative to the transfer of schools to the Recover School District pursuant to a petition signed by parents. Provides relative to foreign language immersion programs.

(Amends R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2), 3983(A)(3)(a), (4)(a), (b), and (d), (B)(2), (D), and (G), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(intro. para.) and (c), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011 through 4025; Adds 17:10.5(F), 3973(2)(b)(vi), (7), and (8), 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3) and (4), 3983(A)(2)(d) and (3)(d), 3992(D), and 4002 through 4007; Repeals R.S. 17:3991(B)(9), 3996(A)(16) and (B)(4))